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09/817,289

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Hiroshi Hatakama

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09/21/2005

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/817,289

Applicant(s)

HATAKAMA ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The amendment filed on 7/29/05 has been entered. Claim 25 is added and claims 1-18 and 20-25 are now pending.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15, 17 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobin et al. (2001/00291 A1) in view of Ng (6,405,175 B1) and further in view of Walker et al (US 2005/0027601 A1).

As per claims 1, 6-7, 10 and 25, Jacobi discloses a product information supply method for supplying a terminal of a user who desires to purchase a product via a network with information about a related product that could be bought together with said product (Figs. 1, 2, 5, 7; Abstract; [0003]), said method steps comprising;

Receiving combination information about combinations of products (Figs. 1-79 Abstract; (0003)-(0019));

Searching the database in response to inquiring information about the combination information from the terminal of the user to supply the terminal of the user with corresponding combination information extracted from the database on the basis of the inquiring information (Figs. 1-7; Abstract [0003]-[0019]).

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Jacobi discloses that the combination information utilized does not require the recommendations/ratings of other users, it is based on the collective interests of the community of users ([0011]).

Ng discloses receiving information about products from a terminal of a person who is rating the product and providing feedback, i.e. bought the product and liked or didn't like it and making registration of the product information with a database so that the product information can be accumulated and a reward can be sent to the registering person based on following a hyperlink to obtain more information via the Internet (Figs. 1-7; ; cols. 3-4, lines 23-8, col. 4, lines 57-67, cols. 5-1 1).

Ng further discloses that the Internet is increasingly being used for purchases with virtual stores replacing the so-called bricks-and mortar stores as they can serve customers in many different cities/states without the costly local stores and that moreover, a shopper uses his browser for comparison purposes (cols. 1-2). Moreover, Ng discloses that online reviews are provided linking shoppers to compare products as well as prices and that ordinary people have posted reviews and comments about products through newsgroups and on product web sites but that they are often difficult to find and navigate because the product reviews are not linked to the specific goods, that there is a significant cost and time factor to accumulate product reviews and build a database of products and prices, while use of consumers utilizing a reward system to build and correct such a database based upon the utility of the information, its usage and relevancy, i.e. how up-to-date and reliable. However, neither Jacobi nor Ng discloses that the product information acquiring method can be used with combination information but Walker discloses allowing a plurality of consumers to each purchase a same combination of products via

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a network, as that of the combination of products purchased by the individual (page 4, box [0049], lines 24-29, box [0050], lines 1-7). The relationship between the products is evident since one has to select a first product before a second group of products is revealed for another selection by the customer to purchase a combination of products.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the database building mechanism as taught in Ng in Jacobi because it would allow the system to store promotional information based on supply and/or demand for direct access by consumers. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have utilized combination product information in the product information registering method of Walker into the system of Ng because consumers are often shopping for related products, merchants utilize this information to upsell and cross-sell by decreasing inventories and thereby increasing profitability, and merchants/manufacturers utilize this information to market products to consumers, i.e. bundling, in order to generate increased revenue streams and remain competitive.

As per claim 2, Jacobi teaches that the inquiry information is a choice signal that indicates a product chosen at the terminal of the user in order to specify a candidate for purchase or place a buy order (Abstract - computer-implement service recommends items based on item previously selected by the user, such as item previously purchased or placed in an electronic shopping cart).

As per claims 3-4, Jacobi teaches that the inquiry information is sent from the terminal of the user via an online shop that sells the products ((00302)-(0052) - amazon.com web site).

As per claim 5, neither Jacobi nor Ng explicitly disclose storing the number of times a purchase of the related products have made on the basis of the corresponding combination information supplied to the terminal of the user. However, Jacobi discloses storing the number of times a purchase of the related products have been made (0036) and Ng teaches storing information about the number of times reference has been made to the Web page by the product information and by extrapolation the combination information, ms set forth above (cols. 5-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the number of time a purchase of the related products were made based on the combination information supplied to the terminal of the user because one would have wanted to ensure that the database was functioning properly and the recommendations were being correctly targeted so that the cross-selling and upselling were profitable.

As per claim 8, neither Jacobi nor Ng explicitly disclose determining priority of supply a user with the combination information on the basis of the number of time a purchase of the related products have been made on the basis of the combination information, or based on the number of times reference has been made to the Web page by the corresponding combination information. However, the rewards in Ng are explicitly tied to the number of times reference has been made to the Web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have determined priority of supplying the user based on the number of times reference has been made to the Web page as taught in Ng in the method of Jacobi because if people were not receiving their rewards, there would be no incentive to create and update the combination database.

As per claim 9, Ng discloses providing rewards, i.e. referral fees from the suppliers to the managers of database based on the number of times a purchase of the related products have been made on the basis of the number of times reference has been made to the Web page by the 2 It would have been product information or the user actually buys the product (cols. 13-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized rewards to managers of the database as taught in Ng in the method of Jacobi because collecting, gathering, storing and providing the information costs money and the revenue would have to be returned to the manager in some form and rewards are one mechanism for providing that revenue that are outcome based and ensure the satisfaction of the suppliers/sellers and provide incentives to the managers of the database.

As per claim 11, Ng discloses that rewards can be based upon product sales and that the web site can also directly handle purchase transactions, rather than simply refer users to the supplier's web site and that the web site may rely on users to verify and refresh data and to verify that the product was purchased, i.e. comment after a predetermined period lapses (cols. 5-13). would have been obvious to one of ordinary skill in the art at the time of the invention to confirm that the product was purchased pursuant to a user recommendation as taught in Ng and to verify that registration, i.e. comment as also taught in Ng for a reward after a predetermined period lapses to the method of Jacobi because rewards cost the supplier/manager money and implementation of checks and balances streamlines the system and because verification enhances the amount of information collected adding more information to the collaborative filtering mechanism.

As per claim 13, Ng discloses that the web site can be marketed to the public and/or utilized within a company or organization for purposes such as suggestion and quality 4 It would have been obvious to improvement programs, i.e. marketing information (cols. 13-14). It would have been obvious to one of ordinary skill in the art at the time of the invention to have produced marketing information as taught in Ng in the method of Jacobi because it provides an additional revenue stream for the company/web site and increases profits, making investors more satisfied.

Claims 13-17 are rejected for the same reasons as claims 1-12. The claims are both drawn to a product information acquiring method, receiving combination information/sending inquiring information about combination information and searching to supply the terminal/outputting the information.

Claims 20-24 are rejected for the same reasons in claims 1-17.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (6,405,1 75 B1) in view of Walker et al (US 2005/0027601 A1).

Ng discloses a product information acquiring registering method for making registration of information about products by users who operate terminals via the Internet by entering product information via the terminal of the user by mean of access to a Web page for making registration of product information (Figs. 2-9; cols. 3-4, lines 23-8, cols. 5-11), and Sending the given items of product information to a server that manages a database for storing the product information (Figs. 2-9; cols.3-4, lines 23-8, col. 5, lines 10-20, cols. 5-11). Ng additionally discloses that the user receives a reward based upon the number of times the product is viewed and hyperlink is followed (Figs. 2-9; cols. 3-4, lines 23-8, col. 4, lines 57-67, cols. 5-11). Ng



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further discloses that the Internet is increasingly being used for purchases with virtual stores replacing the so-called bricks-and mortar stores as they can serve customers in many different cities/states without the costly local stores and that moreover, a shopper uses his browser for comparison purposes (cols. 1-2). Moreover, Ng discloses that online reviews are provided linking shoppers to compare products as well as prices and that ordinary people have posted reviews and comments about products through newsgroups and on product web sites but that they are often difficult to find and navigate because the product reviews are not linked to the specific goods, that there is a significant cost and time factor to accumulate product reviews and build a database of products and prices, while use of consumers utilizing a reward system to build and correct such a database based upon the utility of the information, its usage and relevancy, i.e. how up-to-date and reliable. However, Ng does not disclose that the product information acquiring method can be used with combination information but Walker discloses allowing a plurality of consumers to each purchase a same combination of products via a network, as that of the combination of products purchased by the individual (page 4, box [0049], lines 24-29, box [0050], lines 1-7). The relationship between the products is evident since one has to select a first product before a second group of products is revealed for another selection by the customer to purchase a combination of products.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have utilized combination product information in the product information registering method of Ng because consumers are often shopping for related products, merchants utilize this information to upsell and cross-sell by decreasing inventories and thereby increasing

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profitability, and merchants/manufacturers utilize this information to market products to consumers, i.e. bundling, in order to generate increased revenue streams and remain competitive.

***Response to Arguments***

4. Applicant's arguments filed on 7/29/2005 have been fully considered but they are not persuasive.

Applicant argues that Walker fails to disclose consumers being offered combination information based on a purchaser who has registered the combination information. Contrary to Applicant's argument Walker, customer or the purchaser selects the first product from a group of inventoried products and then picks a second product from a second inventory group that is revealed to the customer or purchaser after the first product is selected (page 4, [0050], lines 1-7). Walker discloses an inventory database wherein all these groupings of product are stored. Based on the first selection from the first group, the second group of products is revealed to the customer for further selection so there exist a relationship between the products being picked or selected by said customer. Furthermore, Applicant again argues that there is no motivation to combine these references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau  
Examiner  
Art Unit 3627

*[Handwritten signature]*  
Primary Examiner

rl